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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,634	09/13/2000	Shirwan Alpasha Al Bahdaini		5682

7590                    05/14/2002

Mr. Shirwan Al Pasha Al Bahdaini  
28 Av, Pictet de Rochemont  
CH-1207  
Geneva, Switzerland,  
SWITZERLAND

[REDACTED] EXAMINER

TRIEU, THAI BA

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

3748

DATE MAILED: 05/14/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No. <b>09/582,634</b>	Applicant(s) <b>BAHDAINI</b>
Examiner <b>THOMAS DENION</b>	Art Unit <b>3748</b>

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on Jun 29, 2001.
  - (a)  A reply was received on Apr 5, 2002 (with a Certificate of Mailing or Transmission dated N/A), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on Sep 29, 2001.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted issue fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

  
THOMAS DENION  
PRIMARY EXAMINER  
ART UNIT 3748

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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**Notice of Untimely Reply and  
Instructions to File a Petition to Revive an Abandoned Application  
For *Pro Se* Applicants**

This letter is to notify applicant(s) that the reply to the prior Office communication mailed 4/15/02 is not timely filed in the above-identified application. Since the reply was filed without the benefit of 37 CFR 1.8 and 1.10, the certificate of mailing and "Express Mail" provisions, the reply is untimely because it was received by the Office after the expiration of the statutory period for reply set in the prior Office communication. The Office does not have the authority to treat such reply as timely. Accordingly, the above-identified application is abandoned. The reply has been placed in application file wrapper, but it has not been formally entered. Applicant is advised that the abandonment of this application may only be overcome by filing a petition to revive under 37 CFR 1.137. A petition to revive may be appropriate if applicant's failure to reply was either unavoidable or unintentional. The purported first reply to the outstanding office action mailed from Switzerland on 9/19/01 has not been received by this office.

In view of the circumstances related to the unforeseeable mail delays caused by anthrax decontamination at the United States Postal Service (USPS) sorting station in Washington, D.C. between October 13, 2001 and January 2, 2002, and the fact that the reply would have been timely received if the delivery of the reply was not delayed by the USPS, applicant may petition to revive the above-identified application on the grounds that the failure to reply was unavoidable under 37 CFR 1.137(a). Such petition should be filed promptly within two months from the mail date of this letter. Applicant may complete the form enclosed with this letter and submit it with the appropriate petition fee to the Office of Petitions by facsimile at (703) 308-6916 or by mail at the address provided on the form.

Applicant is strongly encouraged to file any future correspondence with a certificate of mailing or transmission (form SB-92, a copy attached) in accordance with 37 CFR 1.8, in order for the correspondence to be considered timely based on the date of mailing (the date on the certificate of mailing), instead of the date of receipt, to avoid untimeliness caused by mail delays. After the application has been revived, applicant may also file any reply in the above-identified application by facsimile to the Technology Center at (703) [xxx-xxxx].

*Thomas E. Denion*  
Thomas E. Denion  
Supervisory Patent Examiner  
Technology Center 3700

**Attachment III: Template Petition to Revive Filed by a *Pro se* Applicant**

In re Application of BAHDAINI

Application No. 09/582,634  
Filing date: 9/13/00  
Group Art Unit: 3748

Attention: Office of Petitions  
Fax to: (703) 308-6916; or  
Mail to: Commissioner for Patents  
Box DAC  
P.O. Box 2327  
Arlington, VA 22202

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8)**

I hereby certify that this correspondence is being:  
Deposited with the United States Postal Service on the date shown below  
with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Box DAC, P.O.Box 2327, Arlington, VA  
22202; or  
Transmitted by facsimile on the date shown below to the USPTO at (703)  
308-6916.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name of person signing Certificate

**Petition for Revival of an Application Abandoned Unavoidably  
under 37 CFR 1.137(a) filed by a *Pro se* Applicant(s)**

Applicant(s) hereby petitions for revival of the above-identified application.

**Adequate Showing of the Cause of Unavoidable Delay:**

A reply to the Office action (or notice) was deposited with the United States Postal Service (or if mailed from outside of the United States, with another mail service) on 9/19/01, at least one week prior to the expiration of the reply period. The reply was received in the USPTO but was untimely due to unforeseeable mail delays. The reply would have been timely and normally received in the USPTO between October 13, 2001 and January 2, 2002, but for the mail delay. The applicant is prosecuting the application without assistance of a registered practitioner.

The reply was received by the USPTO on a subsequent mailing on 4/23/02 in response to a letter mailed from this office on 3/26/02 indicating that applicant's response was not received by this office.

**Payment of petition fee:**

(\$110 or \$55 if applicant(s) has established entitlement to small entity status)

- Authorization to charge the petition fee to a credit card (e.g., a completed form PTO-2038) is enclosed herewith.
- The Commissioner is hereby authorized to charge the petition fee to Deposit Account No. \_\_\_\_\_.
- Check in the amount of \$ \_\_\_\_\_ is enclosed.

\_\_\_\_\_

Signature(s) of all the applicant(s)

\_\_\_\_\_

Typed or printed name

## **Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

on \_\_\_\_\_.

Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.